

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-05-0125 MCE GGH P

vs.

ANDREW BEDENFIELD,

Movant.

ORDER

_____/

Movant, a federal prisoner proceeding pro se, has filed three motions to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. See Dockets 315, 317, 318.¹ Each motion seeks a reduction in movant's sentence, but rests on different grounds and attached documents. The motions will therefore be dismissed with leave to file an amended motion that consolidates movant's claims, authority, and exhibits. See Rules 2 and 4, Rules Governing Section 2255 Cases.

If movant chooses to file an amended motion, he must adhere to the format set forth in the form that will be provided with this order, confining his claims to those which have *not* already been addressed upon reconsideration or appeal. The court requires all § 2255

¹ These matters are before the undersigned in accordance with Local Rule 302(c) and 28 U.S.C. § 636(b)(1).

1 motions to be filed on the proper form. While movant may submit a separate memorandum to
2 support his motion for relief, the court may limit its review of the motion to the information on
3 the form and need not consider any memoranda or attachments thereto. See Rule 2, Rules
4 Governing § 2255 Proceedings; Local Rule 190.

5 Movant will also be given the opportunity to file an application to proceed in
6 forma pauperis.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Movant's most recently filed motions to vacate, set aside, or correct movant's
9 sentence pursuant to 28 U.S.C. § 2255 (Dockets 318 and 315) shall be consolidated into his
10 initial motion (Docket 317);

11 2. Each of these motions made pursuant to 28 U.S.C. § 2255 (Dockets 315, 317,
12 318) are dismissed;

13 3. Movant may file an amended motion pursuant to 28 U.S.C. § 2255, within
14 twenty-eight days of the filing date of this order. The amended motion must be filed on the form
15 provided by this court and state all claims and prayers for relief; it must bear the case number
16 assigned to this action and be titled "Amended Motion;"

17 4. Movant may also file an application to proceed in forma pauperis within
18 twenty-eight days of the filing date of this order; and

19 5. The Clerk of Court is directed to provide movant with the forms appropriate
20 for filing, in this district: (1) a motion pursuant to 28 U.S.C. § 2255, and (2) an application to
21 proceed in forma pauperis.

22 DATED: January 5, 2010

23 /s/ Gregory G. Hollows

24 _____
25 GREGORY G. HOLLOWES
26 UNITED STATES MAGISTRATE JUDGE